

REMARKS

Applicants submit this Reply in response to the non-final Office Action mailed November 27, 2007. Claims 17-35 are pending, of which claim 17 is the only independent claim. Applicants have amended claims 17, 23, 28, and 29 and added new claims 33-35. In the Office Action, the Examiner rejected claims 17 and 32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0009998 ("Reemtsma") and rejected claims 18-31 under 35 U.S.C. § 103(a) as being unpatentable over Reemtsma in view of U.S. Patent No. 6,940,827 ("Li"). Applicants respectfully traverse these rejections and request reconsideration of the application, as amended.

Rejections Under 35 U.S.C. § 102(b)

In order to properly establish an anticipation rejection under 35 U.S.C. § 102(b), every element of the claims at issue must be found in the applied prior-art reference, either expressly or under principles of inherency. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In this case, Reemtsma fails to teach or suggest every element of Applicants' invention.

Independent claim 17, as amended, calls for a combination including, for example, "at least one base radio station supervising at least one macrocell," "at least one base radio microstation supervising at least one microcell incorporated in the at least one macrocell," "the at least one base radio microstation providing the packet data transmission service in the at least one microcell," and "the at least one base radio

station providing the packet data transmission service in areas of the at least one macrocell other than in the at least one microcell.” Reemtsma fails to teach or suggest at least “at least one base radio microstation providing the packet data transmission service in the at least one microcell” and “at least one base radio station providing the packet data transmission service in areas of the at least one macrocell other than in the at least one microcell,” as claimed.

Reemtsma teaches “a hierarchical radio cell structure with small radio cells and with at least one larger radio cell superposed on the small radio cells.” Reemtsma, ¶ 0001; Title. Reemtsma “proposes that a real-time radio transmission be executed via the at least one superposed larger radio cell” (*id.*, ¶ 0011) and further proposes “that a non-real-time data transmission be executed via a smaller radio cell.” *Id.*, ¶ 0013. In other words, “the selection of an appropriate radio cell [in Reemtsma] is the type of the radio transmission connection, namely, whether or not the radio transmission is to be executed in real time.” *Id.*, ¶ 0014. Reemtsma explains that its disclosed “non-real-time services” correspond to radio transmissions that are “not very time-critical.” *Id.*, ¶ 0008.¹

As shown above, Reemtsma teaches a small radio cell that supervises non-real-time traffic and a larger radio cell that supervises real-time traffic. Thus, a user equipment (“UE”) located in the small radio cell transmits its non-real-time data to a base station located in the small radio cell and, in addition, transmits its real-time data to

¹ The definition of non-real-time data transmissions used in Reemtsma appears to be consistent with its meaning in conventional mobile networks. For instance, in 3G mobile networks, data traffic is classified in four types of traffic classes: conversational, streaming, interactive, and background. See, e.g., TS 23.107 V3.5.0 (2000-12), § 6.3. The conversational and streaming traffic classes that are the most time-sensitive are called “real-time” traffic classes. *Id.* The less time-sensitive interactive and background traffic classes are “non-real-time” traffic classes. See *id.*, § 9.1.2 (“non-realtime interactive and background traffic classes”).

a different base station located in the larger radio cell. Or, conversely, Reemtsma requires different base stations in the small and large radio cells for respectively communicating non-real-time and real-time data with a UE in the small radio cell.

In contrast, Applicants' amended independent claim 17 recites, among other things, "at least one base radio microstation providing the packet data transmission service in the at least one microcell" and "at least one base radio station providing the packet data transmission service in areas of the at least one macrocell other than in the at least one microcell." Thus, unlike the large-cell and small-cell base stations in Reemtsma that separately communicate real-time and non-real-time data traffic with a UE located in a small radio cell, Applicants' claimed "at least one base radio station" and "at least one base radio microstation" do not concurrently provide packet data transmission service to a UE located in the claimed "at least one microcell." Rather, the claimed "at least one base radio microstation provid[es] the packet data transmission service in the at least one microcell" and the claimed "at least one base radio station provid[es] the packet data transmission service in areas of the at least one macrocell other than in the at least one microcell," as recited in amended claim 17.

In summary, Applicants respectfully submit that independent claim 17, as presently amended, is allowable over the art of record for at least the reason that Reemtsma fails to teach or suggest at least "at least one base radio microstation providing the packet data transmission service in the at least one microcell" and "at least one base radio station providing the packet data transmission service in areas of the at least one macrocell other than in the at least one microcell," as claimed.

Dependent claim 32 depends on allowable independent claim 17 and is therefore allowable for at least the same reasons.

Rejections Under 35 U.S.C. § 103(a)

The Examiner also rejected dependent claims 18-31 for being unpatentable under 35 U.S.C. § 103(a) over Reemtsma in view of Li. Notwithstanding any teachings of Reemtsma or Li relative to the subject matter of claims 18-31, dependent claims 18-31 depend on independent claim 17 and are therefore allowable for at least the same reasons. Similarly, new claims 33-35 also depend on independent claim 17 and are thus allowable for at least the same reasons.

Conclusion

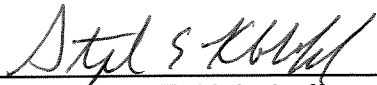
The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other possible bases of patentability.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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